

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
501 "I" Street
Sacramento, CA 95814

E-Filing

FILED
07 MAY 30 PM 12:01

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
Electronic Documents: 1 to 6.

C 07 28121

PJH

RE: STEVEN MATTHEW MONGER vs. D. K. SISTO
USDC No.: 2:06-CV-02862-EB-EFB

(PR)

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated May 22, 2007, transmitted herewith are the following documents.

rose
Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

May 22, 2007

/s/ K. Carlos

Deputy Clerk

RECEIVED BY:

Please Print Name

DATE RECEIVED:

NEW CASE
NUMBER:

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.

ATTEST: **VICTORIA C. MINOR**

Clerk, U. S. District Court
Eastern District of California

By [Signature] Deputy Clerk

Dated 5/30/07

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN MATTHEW MONGER,

Petitioner,

No. CIV S-06-2862 GEB EFB P

vs.

D. K. SISTO, et al.,

Respondents.

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. He has paid the filing fee. However, petitioner has commenced this action in the wrong district.

Petitioner was convicted in the Alameda County Superior Court, but is confined in Solano County. He alleges that the State of California has violated his guilty plea by not providing him a timely parole suitability hearing. Although this court and the United States District Court in the district where petitioner was convicted both have jurisdiction, *see Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 499-500 (1973), witnesses and evidence necessary for the resolution of petitioner's application are more readily available in the county of conviction.

Id. at 499 n. 15; 28 U.S.C. § 2241(d).

////

1 Accordingly, it is ORDERED that this action is transferred to the United States District
2 Court for the Northern District of California. 28 U.S.C. §§ 84(a); 1404(a).
3 Dated: May 21, 2007.

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6 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE
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CLOSED, HABEAS

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:06-cv-02862-GEB-EFB
Internal Use Only**

(HC) Monger v. Sisto et al
Assigned to: Judge Garland E. Burrell, Jr
Referred to: Magistrate Judge Edmund F. Brennan
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 12/19/2006
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Steven Matthew Monger

represented by **Steven Matthew Monger**
E-58948
CALIFORNIA STATE PRISON
P.O. Box 4000
Vacaville, CA 95696
PRO SE

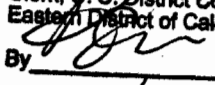
V.

Respondent

D. K. Sisto

Respondent

**Attorney General of the State of
California**

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.
ATTEST: **VICTORIA C. MINOR**
Clerk, U. S. District Court
Eastern District of California
By 
Dated 5/22/07 Deputy Clerk

Date Filed	#	Docket Text
12/19/2006	<u>1</u>	PETITION for WRIT of HABEAS CORPUS by Steven Matthew Monger. (Attachments: # <u>1</u> Cover Letter)(Manzer, C) (Entered: 12/19/2006)
12/19/2006	<u>2</u>	PRISONER NEW CASE DOCUMENTS ISSUED; (Attachments: # <u>1</u> Consent Forms) (Manzer, C) (Entered: 12/19/2006)
12/19/2006	<u>3</u>	SERVICE BY MAIL: <u>2</u> Prisoner New Case Documents for GEB served on Steven Matthew Monger (Manzer, C) (Entered: 12/19/2006)
01/03/2007	<u>3</u>	ORDER signed by Judge Edmund F. Brennan on 12/29/06 ORDERING that w/in 30 days Petitioner may submit either the filing fee or the application required by section 1915(a). Petitioner's failure to comply with this order will result in a recommendation that this action be dismissed. The Clerk is directed to mail to Petitioner a form application for leave to proceed IFP.(Engbretson, K.) (Entered: 01/03/2007)

01/03/2007	●	SERVICE BY MAIL: 3 Order served on Steven Matthew Monger along with an IFP application. (Engbretson, K.) (Entered: 01/03/2007)
01/22/2007	●	RECEIPT number 201 13579 for \$5.00 for Habeas Corpus Fee from Steven Monger. (Engbretson, K.) (Entered: 01/22/2007)
01/22/2007	●4	CONSENT to JURISDICTION by US MAGISTRATE JUDGE by Steven Matthew Monger. (Kaminski, H) (Entered: 01/23/2007)
01/23/2007	5	REMARK: Please disregard petitioner's payment of \$5.00 made on 1/22/07. The money order was made out to the "County Clerk" and was returned to him with a letter directing him to resubmit payment accordingly. (Carlos, K) (Entered: 01/23/2007)
01/30/2007	●	RECEIPT number 20412903 for \$5.00 for habeas corpus filing fee from Steven Monger. (Yin, K) (Entered: 01/30/2007)
05/22/2007	●6	ORDER signed by Judge Edmund F. Brennan on 5/21/07 ORDERING this case TRANSFERRED to the Northern District of CA. Tranfer letter, certified copy of transfer order, and docket sheet sent. CASE CLOSED. (Carlos, K) (Entered: 05/22/2007)
05/22/2007	●7	TRANSMITTAL of ELECTRONIC DOCUMENTS on *5/22/2007* to * Northern District of California* *450 Golden Gate Avenue* *San Francisco, CA 94102* and transmittal letter and docket sheet. *Electronic Documents: 1 to 6. *. (Carlos, K) (Entered: 05/22/2007)

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District	C 07 2812 PJH
Name	Steven Monger	Prisoner No.	E-58948
Place of Confinement	Solano State Prison P.O. Box 4000 (14-T2-Low) Vacaville, California 95696		2-06-CV-2862 EFB HC
Name of Petitioner (include name under which convicted)		Name of Respondent (authorized person having custody of petitioner)	
Steven Monger		V. D. K. Sisto, et al.	
The Attorney General of the State of: Jerry Brown			
PETITION			
1. Name and location of court which entered the judgment of conviction under attack			
<u>Alameda County Superior Court, Oakland, California</u>			
2. Date of judgment of conviction <u>May 24, 1990</u>			
3. Length of sentence <u>15 to life (8-10 yrs.)</u>			
4. Nature of offense involved (all counts) <u>Second degree murder</u>			
5. What was your plea? (Check one)			
(a) Not guilty <input type="checkbox"/>			
(b) Guilty <input type="checkbox"/>			
(c) Nolo contendere <input checked="" type="checkbox"/>			
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:			
6. If you pleaded not guilty, what kind of trial did you have? (Check one)			
(a) Jury <input type="checkbox"/>			
(b) Judge only <input type="checkbox"/>			
7. Did you testify at the trial?			
Yes <input type="checkbox"/> No <input type="checkbox"/>			
8. Did you appeal from the judgment of conviction?			
Yes <input type="checkbox"/> No <input type="checkbox"/>			

FILED

MAY 30 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEC 19 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

- (a) Name of court _____
- (b) Result _____
- (c) Date of result and citation, if known _____
- (d) Grounds raised _____

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court This Court.
- (2) Nature of proceeding Writ of Habeas Corpus.
- (3) Grounds raised Violation of plea agreement.

AO 241 (Rev. 5/85)

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court This Court

(2) Nature of proceeding Writ of Habeas Corpus.

(3) Grounds raised Violation of plea agreement.

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, Yes ☒ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

AD 241 (Rev. 5/85)

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: PETITIONER HAS A CONSTITUTIONAL RIGHT TO HAVE THE STATE COMPLY WITH THEIR PART OF THE PLEA AGREEMENT.

Supporting FACTS (state *briefly* without citing cases or law):

SEE ATTACHED STATEMENT OF FACTS AT PAGE 5A/B (NEXT PAGE).

B. Ground two: PETITIONER MUST BE PERMITTED TO WITHDRAW HIS PLEA.

Supporting FACTS (state *briefly* without citing cases or law):

FACTS ARE THE SAME AS AT GROUND ONE. SEE PAGE 5A/B (NEXT PAGE)

STATEMENT OF FACTS

1. That on May 24, 1990, the petitioner entered into a plea agreement with the State of California, by and through the Alameda County District Attorney's Office, case no. 94194. See exhibit A.

2. That as of August 22nd, 2006 and continually thereafter, the respondents had and continues to fail to provide the petitioner with a timely parole consideration hearing as required under Penal Code section 3041.5(b)(2). See exhibit B.

3. That at the time the petitioner entered into his plea agreement with the State of California, Penal Code section 5075 stated:

"The selection of persons and their appointment by the governor... shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state." See Deering's Penal Code (1989 ed.)

4. Respondent's failure to comply with the California Penal Code, section 3041.5(b)(2) and 5075 (pre-SB737) is a direct violation of the terms of the plea contract.

5. Because of the respondents actions and / or inactions the petitioner's incarceration has been illegally increased in violation of state law and both the California and United States Constitutions.

6. That the petitioner's period of incarceration has been increased beyond that allowed by state law and without providing the petitioner with Due Process which he is entitled to.

7. That had the petitioner known that the respondents would violate the terms of the contract he would have never waived all of his rights and plead guilty. See exhibit B.

STATEMENT OF FACTS CONTINUED

8. Then on Novemebr 29, 2006 the petitioner received a denial from the California Supreme Court. Thus, exhausting all of his state remedies. See exhibit C

AO 241 (Rev. 5/85)

C. Ground three: PLEA AGREEMENTS ARE CONTRACTS REQUIRING THE STATE TO LIVE UP TO THEIR PART OF THE PLEA CONTRACT.

Supporting FACTS (state *briefly* without citing cases or law): _____

FACTS ARE THE SAME AS AT GROUND ONE. SEE PAGE 5A/8 (NEXT PAGE).

D. Ground four: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: _____

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes ☒ No ☐

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing _____

(b) At arraignment and plea _____

AO 241 (Rev. 5/85)

- (c) At trial _____
- (d) At sentencing _____
- (e) On appeal _____
- (f) In any post-conviction proceeding _____
- (g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed

12-17-06

(date)

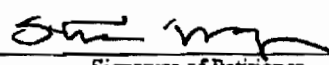

Signature of Petitioner

EXHIBIT A

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF ALAMEDA
3 BEFORE HONORABLE WILLIAM R. MCGUINNESS, JUDGE
4 DEPARTMENT NO. 6

5 ---000---

6 THE PEOPLE OF THE STATE OF CALIFORNIA)
7 PLAINTIFF) NO. 94194
8)
9 VS.)
10 STEPHEN MATTHEW MONGER,)
11 DEFENDANT)

12
13
14 COURTHOUSE, OAKLAND, ALAMEDA COUNTY, CALIFORNIA

15 REPORTER'S TRANSCRIPT

16 THURSDAY, JUNE 14, 1990 -- 9:00 A.M.

17 STATE PRISON COMMITMENT

18
19 **ENDORSED**
20 **FILED**

21 JUN 18 1990 *gg*

22 RENE C. DAVIDSON, County Clerk
JEFFREY K. WIE, DEPUTY

23 ---000---

24 A P P E A R A N C E S

25 FOR THE PEOPLE: JOHN J. MEEHAN, DISTRICT ATTORNEY
BY: KIM HUNTER, DEPUTY

26 FOR THE DEFENDANT: JAY B. GASKILL, PUBLIC DEFENDER
BY: PAUL TRUDELL, ASSISTANT

1

P R O C E E D I N G S

THURSDAY, JUNE 14, 1990 -- 9:30 A.M.

--000--

THE COURT: VERY WELL. THE COURT
WILL CALL THE MATTER OF PEOPLE VERSUS STEPHEN
MATTHEW MONGER.

MR. MONGER IS HERE. HE IS REPRESENTED BY HIS
COUNSEL MR. TRUDELL. MS. HUNTER IS HERE ON BEHALF
OF THE DISTRICT ATTORNEY'S OFFICE. THIS MATTER IS
ON THE COURT'S CALENDAR FOR PURPOSES OF SENTENCING
TODAY HAVING BEEN PREVIOUSLY CONTINUED I BELIEVE
FROM MAY 24TH FOR THAT PURPOSE.

IS THERE ANY LEGAL CAUSE AT THIS TIME,
MR. TRUDELL, AS TO WHY SENTENCE SHOULD NOT NOW BE
IMPOSED?

MR. TRUDELL: NO, YOUR HONOR.

THE COURT: ALL RIGHT. AND THE
COURT HAS REQUESTED, RECEIVED, READ AND CONSIDERED A
PROBATION REPORT IN THIS MATTER.

IS THE MATTER SUBMITTED AS FAR AS SENTENCING,
MS. HUNTER?

MS. HUNTER: SUBMITTED.

MR. TRUDELL: THERE IS ALSO A
SUPPLEMENTAL LETTER THAT FOR SOME REASON WAS NOT
ATTACHED TO -- OR I WOULD ASSUME THAT THAT WOULD BE
JOINED IN PART AND PARCEL WITH THE PROBATION
REPORT. THERE IS A LETTER THAT I WROTE.

THE COURT: THAT LETTER HAS BEEN

2

1 PRESENTED TO THE COURT AND I WILL DIRECT THE CLERK
2 TO MAKE SURE THAT THAT IS ATTACHED TO THE PROBATION
3 REPORT. AND I HAVE READ AND CONSIDERED THAT LETTER.

4 ALL RIGHT. SUBMITTED?

5 MR. TRUDELL: SUBMITTED.

6 MS. HUNTER: SUBMITTED.

7 THE COURT: ALL RIGHT THEN.

8 THE DEFENDANT HAVING BEEN CONVICTED BY WAY OF
9 HIS PLEA TO A VIOLATION OF SECTION 187 OF THE PENAL
10 CODE, STIPULATED TO BE IN THE SECOND DEGREE,
11 PURSUANT TO CALIFORNIA RULE OF COURT SECTION 440, IT
12 IS THE JUDGMENT AND SENTENCE OF THIS COURT THAT THE
13 DEFENDANT BE SENTENCED TO STATE PRISON FOR THE TERM
14 OF 15 YEARS TO LIFE.

15 WITH REGARD TO THE MATTER OF A RESTITUTION
16 FINE, I AM REQUIRED BY LAW PURSUANT TO GOVERNMENT
17 CODE 13967 TO IMPOSE SUCH A FINE. PURSUANT TO THE
18 NEGOTIATED DISPOSITION, AT THIS TIME I WILL IMPOSE
19 SUCH A FINE IN THE AMOUNT OF \$100.

20 WITH REGARD TO THE MATTER OF CREDIT FOR TIME
21 SERVED, IT HAS BEEN CALCULATED AND AGREED UPON BY
22 THE PARTIES THAT THE DEFENDANT IS ENTITLED TO ACTUAL
23 CREDIT IN THE AMOUNT OF 965 DAYS AND PEOPLE V. SAGE
24 CREDIT IN THE AMOUNT OF 483 DAYS FOR A TOTAL IN THE
25 AMOUNT OF 1,448 DAYS, AND SO HE IS TO BE AWARDED
26 THAT CREDIT.

27 AND AT THIS TIME THERE BEING NOTHING FURTHER
28 THE DEFENDANT IS REMANDED TO THE CUSTODY OF THE

3

1 SHERIFF OF ALAMEDA COUNTY TO BE DELIVERED BY HIM TO
2 THE DEPARTMENT OF CORRECTIONS TO SERVE THE TERM OF
3 15 YEARS TO LIFE. ALL RIGHT. THANK YOU.

4 MS. HUNTER: THANK YOU, YOUR
5 HONOR.

6 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

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1 STATE OF CALIFORNIA)
2 COUNTY OF ALAMEDA) SS.
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4

5 I, CATHERINE JONES, CERTIFIED SHORTHAND
6 REPORTER, DO HEREBY CERTIFY THAT I AM AN OFFICIAL
7 REPORTER OF THE SUPERIOR COURT OF THE STATE OF
8 CALIFORNIA, IN AND FOR THE COUNTY OF ALAMEDA;

9 THAT AS SUCH I REPORTED THE PROCEEDINGS HAD IN
10 THE ABOVE-ENTITLED MATTER, THE PEOPLE OF THE STATE
11 OF CALIFORNIA VS. STEPHEN MATTHEW MONGER, AT THE
12 TIME AND PLACE SET FORTH HEREIN;

13 THAT MY STENOGRAPHIC NOTES WERE THEREAFTER
14 TRANSCRIBED BY COMPUTER-AIDED TRANSCRIPTION UNDER MY
15 DIRECTION;

16 AND THAT THE FOREGOING PAGES NUMBERED 1 THROUGH
17 3 CONSTITUTE A FULL, TRUE AND CORRECT TRANSCRIPTION
18 OF MY SAID NOTES.

19 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND
20 THIS 14TH DAY OF JUNE, 1990.
21
22

23 
24 CATHERINE JONES, CSR #6981
25
26
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EXHIBIT B

AFFIDAVIT

I, Steven Monger, CDCR#E-58948, hereby declare the following as being true and factual and I make these declarations under the penalty of perjury and inaccordance with all the laws of the State of California.

1. That currently I am over due for my parole suitability hearing and have been advised by the Board of Parole Hearings that I will not be appearing anytime before June of 2007.

2. That currently most of the Parole Board Members are of/ or have a law enforcement back ground and are members of/or spoke persons for victim rights movements. See exhibit D

3. That had I known the respondents would be able to at a later date violate the direct and implied terms of the contract I would have never waived my rights and plead guilty.

Dated this 16th day of December, 2006, at Solano State Prison in Vacaville, California.



Steven Monger, CDCR#E58948
In Pro Per

EXHIBIT C

Court of Appeal, First Appellate District, Div. 3 - No. A115306
S147250

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re STEVEN MONGER on Habeas Corpus

Petition for review DENIED.

**SUPREME COURT
FILED**

NOV 29 2006

Frederick K. Ohlrich Clerk

DEPUTY

GEORGE

Chief Justice

EXHIBIT D

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Sunda



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Board of Parole Hearings

Commissioners

The Board is composed of 17 Commissioners, and a Executive Director who is appointed by the Governor to conduct parole consideration hearings for inmates sentenced to life terms with the possibility of parole. Commissioners, as voting members of the BPH, establish terms and conditions of parole for all persons on parole and may make recommendations to the Governor for pardons and executive clemency.

For full biographical information, please click below:

- [Joyce Arredondo](#)
- [Archie "Joe" Biggers](#)
- [Terry Farmer](#)
- [Susan L. Fisher](#)
- [Philip S. Inglee](#)
- [Stephen Lee](#)
- [Margarita Esabel Perez](#)
- [Chuck J. Supple](#)
- [Thomas Sawyer](#)
- [Tracey L. St. Julien](#)

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Board of Parole Hearings

Commissioner

Joyce Arredondo

Joyce Arredondo 50, of Sacramento County has served as a commissioner on the Youth Authority January 2004. Prior to that, Arredondo was the executive director of the North Area Teen Center, a organization that provides after-school opportunities for tutoring, employment development, sports a opportunities and field trips for junior and senior high school students, from 1997 to 2004. She has a member of the Building Bridges Initiative Advisory Board for the San Juan Unified School District. Ar Republican. She will hear juvenile matters.

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Board of Parole Hearings

Commissioner

Archie "Joe" Biggers

Archie "Joe" Biggers, 61, of San Diego County has served on the Youth Authority Board since 2005. He served as executive director of the Greater San Diego Inner-City Games. Biggers served for 24 years in the United States Marine Corps, retiring in 1991 as a lieutenant colonel. From 1992 to 1994 he was open for the San Diego Police Athletic League and from 1994 to 1996 was executive director of the S.T.A. (Sports Training, Academic & Recreation). Biggers is active in many community organizations including the San Diego Unified School Interscholastic Athletics Council and the San Diego Marine Corps Historical Society. He is also a past member of the San Diego Crime Commission, the Social Service Advisory Board of San Diego County and the Girl Scouts Council of San Diego and Imperial Counties. Biggers is a Republican. He has experience with juvenile matters.

Board of Parole Hearings

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Board of Parole Hearings

[Commissioner](#)

Terry R. Farmer

Terry R. Farmer 61 of Sacramento County, has been chief counsel to the Board of Prison Terms since 1983. From 1983 to 2003 he served as Humboldt County district attorney. Farmer served as a partner in the law firm of Stokes, Steeves, Warren, Farmer and Jensen from 1978 to 1982 and as a Humboldt County deputy prosecutor from 1975 to 1978. He is a member of the California State Bar. Farmer is a Democrat. He will hear appeals from the Board of Prison Terms.

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Board of Parole Hearings

[Commissioners](#)

Susan L. Fisher

Susan L. Fisher, 52, of Sacramento County, has served as a commissioner on the Board of Prison 7 January 2004. From 1999 to 2004 she served as executive director of the Doris Tate Crime Victims before that, served on the Bureau's board of directors for seven years. She also served as president Law and Order. Fisher is a Republican. She will hear adult matters.

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Philip S. Inglee

[Deputy Commissioners](#)

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Philip S. Inglee, 68, of Orange County, has served on the Board of Prison Terms since 2005. Prior to that, he served as a commissioner on the Orange County Parole Board from 2001 to 2005. Inglee worked as a banking executive for 33 years, serving as president and chief executive officer of Liberty National Bank from 1982 to 1998. In addition, he has served as chair of the Huntington Beach Planning Commission and as foreman of the Orange County Grand Jury from 1999 to 2000. He served as an officer in the United States Marine Corps from 1959 to 1962 on active duty and as a member of the reserves from 1962 until his retirement as a colonel in 1989. Inglee is a Republican. He will hear adult matters.

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Board of Parole Hearings

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Stephen Lee

[Deputy Commissioners](#)

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Stephen Lee, 50, of Los Angeles County, has served on the Board of Prison Terms since 2005. Prior to that, he was a Los Angeles Superior Court Referee for seven years, where he handled all matters assigned in the Dependency and Juvenile Delinquency Court. Lee was a senior trial litigator for Lee & Associates from 1991 to 1995 and prior to that was a senior deputy district attorney for Los Angeles County from 1986 to 1991. Lee's experience also includes one year as senior misdemeanor trial deputy for the San Joaquin District Attorney's Office and three years as a general civil and immigration attorney. Lee is a Republican. He will hear adult matters.



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Board of Parole Hearings

Commissioners

Margarita Esabel Perez

Margarita Esabel Perez, 42, of El Dorado County, has served as chairperson of the Board of Prison Terms since January 2004. From 2001 to 2004 she served as a senior investigator and parole agent in the investigations division. Perez served from 1996 to 2001 as a parole agent at the Department of Corrections. She began her career in law enforcement as a correctional officer, first at Avenal State Prison and later as a correctional sergeant at the Transportation Unit Based at Folsom State Prison. Perez is a former captain with the California Army National Guard. She served on active duty during Operation Desert Storm and volunteered for active duty following the terrorist attacks of September 11th. Perez is a Democrat. She will hear adult matters.



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Chuck J. Supple

[Deputy Commissioners](#)

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Chuck J. Supple, 46, of Sacramento County, has served on the Youth Authority Board since 2003. He was director of the then-Governor's Office of Service and Volunteerism, now the California Service Center. That, Supple served for five years as president and chief executive officer of Public Allies, Inc. a non-profit organization that develops community leadership skills among young adults. He is also currently a board member of the Tavis Smiley Foundation. Supple is a Democrat. He will hear juvenile matters.

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Thomas C. Sawyer

[Deputy Commissioners](#)

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Thomas C. Sawyer, 61, of San Joaquin County, served as a California Highway Patrol officer for many years before being elected the Sheriff-Coroner of Merced County in 1990. He served as sheriff for 11 years until his retirement in 2001. Most recently, he has been a consultant for Advanced Interactive Systems and has performed airport security training around the United States and with the Facility Group on project in criminal justice planning. Sawyer is a member of the California State Sheriffs' Association, the National Association and the International Police Chiefs' Association. Sawyer is a Republican. He will hear at

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Tracey L. St. Julien

[Deputy Commissioners](#)

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Tracey L. St. Julien, 46, of Sacramento County, has been executive director of the American College of Obstetricians and Gynecologists, a nonprofit organization founded to promote advances in women's health since 2001. Previously, she was a consultant for Glaxo Wellcome, Incorporated and, from 1997 to 2000, operated Gilded Age Tours, an international travel tour company. St. Julien served on the staff of California Assemblymembers Curtis Tucker, Sr. and Curtis Tucker, Jr., first as a legislative assistant and then as a legislative secretary. In this capacity she oversaw the 1992 Assembly Task Force on the Los Angeles Riots. St. Julien is a mother of two children. She will hear adult matters.

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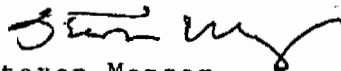
2:06 - CV - 2862 GEB EFB HC

Dear Clerk,

enclosed you will find a Petition for Writ of Habeas Corpus (One original and two copies). Please process them at your earliest possible convenience. An I have not included the required five dollar filing fee, but will as soon as I receive a case number. For me to process legal mail and a trust account withdrawal at the same time is nearly impossible within this particular correctional setting.

In closing, I would like to thank you in advance for all of your time and efforts in this matter, they're both appreciated. Please have a nice day.

Respectfully submitted,




Steven Monger

In Pro Per

FILED

DEC 19 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Victoria C. Minor
Clerk of Court

Office of the Clerk
501 "I" Street
Sacramento, CA 95814

Divisional Office
2500 Tulare Street
Fresno, CA 93721

December 19, 2006

Case Number: 2:06-CV-02862-GEB-EFB

Case Title: STEVEN MATTHEW MONGER, vs. D. K. SISTO,

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include the complete case number on all documents sent to the court for filing in this case. Failure to do so results in delayed processing of your documents.

All matters in this action shall be sent to the following address until further notice:

Office of the Clerk
United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814

For timely processing of your pleadings or correspondence, please comply with our Local Rules of Court, in particular:

Local Rule 5-133 The court requires an original plus one copy of each document sent for filing. If you desire to receive a conformed copy for your records, you must send an original and two copies of your document and a pre-addressed postage-paid envelope for us to return your copy to you.

Local Rule 5-135 Once the defendant(s) have served a responsive pleading, you are under an ongoing duty to serve them with copies of all documents you submit to the court. A proof of service shall be attached to the original of any document lodged or filed with the court, showing the date, manner and place of service. A sample proof of service is attached.

Local Rule 7-130 Documents submitted to the court must be legible, on 8-½ " x 11" paper, with writing on one (1) side of the page only. Each separate document must be stapled at the top left corner and pre-punched with two (2) holes centered 2-¾" apart, ½" from the top edge of the page. Each page should be numbered consecutively at the bottom.

Local Rule 7-132 Every document submitted to the court must include your name, address and prisoner identification number in the upper left hand corner of the first page. The caption on the first page must include the title of this court, the title of the action, the case number assigned to this action (including all initials and letters that follow the number), and the title of your document. If you are pursuing more than one action in this court, you must submit a separate original document and the appropriate number of copies for each action in which you want the document filed.

Local Rule 6-142 A request for extension of time must state the reason an extension is needed. A request for extension of time should be filed before the deadline in question.

Local Rules 30-250, 33-250, 34-250 and 36-250 Discovery requests or responses should not be submitted to the court unless they are relevant and necessary to support or oppose a motion at issue before the court.

Local Rule 83-182 Each party appearing in propria persona is under a continuing duty to notify the Clerk and all other parties of any change of address.

Other Provisions:

Request for Case Status The court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRES REGARDING THE STATUS OF YOUR CASE. As long as you keep the court apprised of your current address, you will receive all court decisions which might affect the status of your case.

Copy Work The Clerk's Office does not provide copies of documents to parties. Copies of documents may be obtained from Attorney's Diversified Service (ADS) by writing to them at: 1424 21st Street, Sacramento, CA 95814, or by phoning 916-441-4396 or 916-441-4466. The court will provide copies of docket sheets at \$0.50 per page. **Note: In Forma Pauperis** status does not include the cost of copies.

Victoria C. Minor
Clerk of Court
United States District Court

by: /s/ C. Manzer
Deputy Clerk

The following is a sample Proof of Service. Pursuant to Rule 5 of the F.R.Cv.P. and Local Rule 5-135, each document filed after the court orders service in your case shall be served on opposing counsel and a proof of service attached to your document filed with the court.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

(Case Title) _____

Plaintiff or Petitioner

V. _____

Case Number: 2:99-CV-99999 ABC DFG
(example case no.)

Defendant or Respondent

SAMPLE PROOF OF SERVICE

/

I hereby certify that on (Date) _____, I served a copy

of the attached (Title of Document Served and Filed) _____.

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said

envelope in the United States Mail at (Location of Mailing) _____:

(List Name and Address of Each Defendant or Attorney Served)

I declare under penalty of perjury that the foregoing is true and correct.

(Name of Person Completing Service)

NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE

TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 73–305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case dispositive jurisdiction and to conduct any or all case despositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent to pursuant to 28 U.S.C. § 636(c) the assigned Magistrate Judge will hear all motions except those case dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at www.caed.uscourts.gov for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk
501 I Street, Room 4–200
Sacramento, CA 95814

Office of the Clerk
2500 Tulare Street , Suite 1501
Fresno, CA 93721

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN MATTHEW MONGER, _____

Plaintiff(s)/Petitioner(s),

VS.

CASE NO. 2:06-CV-02862-GEB-EFB

D. K. SISTO, _____

Defendant(s)/Respondents(s).

IMPORTANT

**IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.**



**CONSENT TO JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____



**DECLINE OF JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____

**If representing more than one party, counsel must indicate name of each party responding.*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Victoria C. Minor
Clerk of Court

Office of the Clerk
501 "I" Street
Sacramento, CA 95814

Divisional Office
2500 Tulare Street
Fresno, CA 93721

December 19, 2006

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Case Title: STEVEN MATTHEW MONGER, vs. D. K. SISTO,

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Local Rule 7-130 Documents submitted to the court must be legible, on 8-1/2 " x 11" paper, with writing on one (1) side of the page only. Each separate document must be stapled at the top left corner and pre-punched with two (2) holes centered 2-3/4" apart, 1/2" from the top edge of the page. Each page should be numbered consecutively at the bottom.

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Victoria C. Minor
Clerk of Court
United States District Court

by: /s/ C. Manzer
Deputy Clerk

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TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

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Office of the Clerk
501 I Street, Room 4-200
Sacramento, CA 95814

Office of the Clerk
2500 Tulare Street , Suite 1501
Fresno, CA 93721

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN MATTHEW MONGER,_____

Plaintiff(s)/Petitioner(s),

VS.

CASE NO. 2:06-CV-02862-GEB-EFB

D. K. SISTO,_____

Defendant(s)/Respondents(s).

IMPORTANT

**IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.**



**CONSENT TO JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____



**DECLINE OF JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____

**If representing more than one party, counsel must indicate name of each party responding.*

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 STEVEN MATTHEW MONGER,

12 Petitioner,

No. CIV S-06-2862 GEB EFB P

13 vs.

14 D. K. SISTO, Warden, et al.,

15 Respondents.

ORDER

16 _____/
17 Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus
18 challenging the delay in affording him a parole suitability hearing. *See* 28 U.S.C. § 2254.

19 A petitioner seeking a writ of habeas corpus either must pay the \$5.00 filing fee, *see* 28
20 U.S.C. § 1914(a), or request leave of court to proceed *in forma pauperis*, 28 U.S.C. § 1915(a).

21 Petitioner has neither paid the fee nor submitted an application for leave to proceed *in*
22 *forma pauperis*.

23 Within 30 days from the day this order is served, petitioner may submit either the filing
24 fee or the application required by section 1915(a). Petitioner's failure to comply with this order

25 ///

26 ///

1 will result in a recommendation that this action be dismissed. The Clerk of the Court is directed
2 to mail to petitioner a form application for leave to proceed *in forma pauperis*.

3 So ordered.

4 Dated: December 29, 2006.

5 
6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN MATTHEW MONGER,

Plaintiff(s)/Petitioner(s),

vs.

CASE NO. 2:06-CV-02862-GEB-EFB

D. K. SISTO,

Defendant(s)/Respondents(s).

FILED

JAN 22 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*

IMPORTANT
IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.

☒ **CONSENT TO JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: 12-28-06

Signature: *Steven Monger*

Print Name: Steven Monger

☒ Plaintiff/Petitioner ☐ Defendant/Respondent

☐ Counsel for *

☐ **DECLINE OF JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec. 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: _____

Signature: _____

Print Name: _____

☐ Plaintiff/Petitioner ☐ Defendant/Respondent

☐ Counsel for *

**If representing more than one party, counsel must indicate name of each party responding.*

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 NORTHERN DISTRICT OF CALIFORNIA
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